

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LATONYA JORDAN)
2005 Woody Bend Place)
Sugar Land, Texas 77479)
Plaintiff,)
vs.) CIVIL ACTION NO.: _____
MR. ROBERT A. MCDONALD)
Secretary of Veterans)
Affairs)
Department of Veterans)
Affairs)
810 Vermont Avenue, NW) PLAINTIFF'S ORIGINAL
Washington, DC 20420) COMPLAINT
MR. FRANCISCO VASQUEZ)
Medical Center Director)
Michael E. DeBakey)
Veterans Affairs Medical)
Center)
Medical Center)
2002 Holcombe Blvd.)
Houston, TX 77030)
DR. RICKY MORLEN,)
Michael E. DeBakey)
Veterans Affairs Medical)
Center)
2002 Holcombe Blvd.)
Houston, TX 77030)
Defendants)

COMPLAINT

(Race, Gender Discrimination and Retaliation in Federal Employment)

I. The Parties to This Complaint

A. The Plaintiff

Name:	LaTonya Jordan
Street Address:	2005 Woody Bend Place
City and County:	Sugar Land, Fort Bend County
State and Zip Code	Texas 77479
Telephone Number:	713-791-1414
Email Address:	LaTonya.Jordan@va.gov

B. The Defendants

Defendant No. 1

Name:	Robert A. McDonald
Job or Title:	Secretary of Veterans Affairs
Street Address:	Department of Veterans Affairs
City and County:	810 Vermont Ave., NW
State and Zip Code:	Washington, DC 20420
Telephone Number:	800-827-4833
Email Address:	Robert.McDonald@va.gov

Defendant No. 2

Name:	Dr. Francisco Vasquez
Job or Title:	Medical Center Director
Street Address:	Michael E. DeBakey
City and County:	Veterans Affairs Medical Center
State and Zip Code:	2002 Holcombe Blvd.
Telephone Number:	Houston, Harris County
Email Address:	Texas 77030
	713-791-1414
	Francisco.Vasquez@va.gov

Defendant No. 3

Name:	Dr. Rickey Morlen
Job or Title:	Chief of the Dental Section
Street Address:	Michael E. DeBakey
City and County:	Veterans Affairs Medical Center
State and Zip Code:	2002 Holcombe Blvd.
Telephone Number:	Houston, Harris County
Email Address:	Texas 77030
	713-791-1414
	Rickey.Morlen@va.gov

C. Place of Employment

The address at which I was employed by the defendant is:

Name:	Michael E. DeBakey
Street Address:	Veterans Affairs Medical Center
City and County:	2002 Holcombe Blvd.
State and Zip Code:	Houston, Harris County
Telephone Number:	Texas 77030
	713-791-1414

II. Basis for Jurisdiction

This brings this action is brought for race and gender-based pay discrimination pursuant to the Equal Pay Act of 1963 (EPA), as amended, as codified, 29 U.S.C § 206(d), Title VII of the Civil Rights Act of 1964, as amended, as codified, 42 U.S.C §§2000e to 2000 e-17, the Age Discrimination in Employment Act of 1967, as amended, as codified, 29 U.S.C §§621 to 634, and the American Disabilities Act of 1990, as amended, as codified, 42 U.S.C §§12111 to 12117. These federal laws prohibit race and sex-based wage discrimination between men and women in the same establishment who perform jobs that require substantially equal skill, effort and responsibility under similar working conditions.

Plaintiff is employed with the United States Department of Veterans Affairs and, as a

federal employee, is entitled to skip the administrative complaint process and to bring a federal lawsuit against her employer for race and gender-based pay discrimination pursuant to the Equal Pay Act of 1963 (EPA), as amended, as codified, 29 U.S.C § 206(d), Title VII of the Civil Rights Act of 1964, as amended, as codified, 42 U.S.C §§2000e to 2000 e-17, the Age Discrimination in Employment Act of 1967, as amended, as codified, 29 U.S.C §§621 to 634, and the American Disabilities Act of 1990, as amended, as codified, 42 U.S.C §§12111 to 12117.

III. Statement of Claim

Dr. LaTonya Jordan, DDS, is an honorably discharged veteran who was hired by the United States Department of Veterans Affairs in 2011 as a Staff General Dentist with the Dental Section of the Michael DeBakey VA Medical Center, 2002 Holcombe Blvd., Houston, Texas 77030.

Her direct supervisor Dr. Morlen, has and continues to engage in intentional race and gender-based wage discrimination, among other unlawful employment practices, in violations of the Equal Pay Act, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the American Disabilities Act of 1990 and retaliation under the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the “NO FEAR Act”) which forbids retaliation against employees from any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment for disclosing ongoing violations such as improprieties with the dental section’s patient scheduling process. Dr. Jordan has suffered compensatory and punitive damages in the form of emotional distress, mental anguish, pain and suffering, and economic damages for her and liquidated damages for her equal pay claim.

A. The discriminatory conduct of which Plaintiff complains in this action include gender-

based wage discrimination, failure to promote, unequal terms and conditions of employment, retaliation, harassment, and hostile work environment.

B. The alleged discriminatory acts were reported to the EEOC office at the Michael E. DeBakey VA Medical Center, 2002 Holcombe Blvd., Houston, Texas 77030 in March 2015 and late November or early December 2015, respectively.

C. The defendant, Rickey Morlen, is still committing these acts against me.

D. Defendant Rickey Morlen discriminated against Dr. Jordan based on my race and gender.

E. The facts of my case are as follow:

Dr. LaTonya Jordan, DDS, is an honorably discharged veteran who was hired by the United States Department of Veterans Affairs in 2011 as a Staff General Dentist with the Dental Section of the Michael DeBakey VA Medical Center, 2002 Holcombe Blvd., Houston, Texas 77030. At the time of her hiring, Dr. Jordan was advised that her duties would be limited to routine general dentistry. Her duties would be 100% clinical without administrative, supervisor and resident preceptorship.

In January 2015, Dr. Rickey Morlen was appointment as Chief of the Dental Section of the Houston VA Hospital and became Dr. Jordan's direct supervisor. Since then and continuing through the present, Dr. Jordan has been subjected to belittlement by Dr. Morlen in public and private settings, subjected to harassment by Dr. Morlen, required by Dr. Morlen to serve as the dental provider for a patient panel with the same complexity as that of specialists within the department without compensation as such. In addition to supervising residents while maintaining a full patient panel without scheduled administrative time, Dr. Morlen is now requiring Dr. Jordan to perform

administrative duties and requiring Dr. Jordan to come in on scheduled off days to complete administrative tasks all without additional compensation. Dr. Jordan has repeatedly spoken with her Dr. Morlen about the additional, uncompensated duties and responsibilities and requested equal pay for equal work multiple times. To date her request has only been met with a memorandum threatening to reduce her pay and a pay panel recommendation by Dr. Morlen to deny any increase due Dr. Jordan at her scheduled two-year review.

Dr. Morlen has also retaliated and continues to retaliate against Dr. Jordan because, during January 2016 mediation, she reported that patient appointments were not being properly logged in and tracked in the electronic system in violation of the mandate issue by Secretary of Veteran Affairs after the Phoenix VA hospital incident in 2014.

The above stated events and conduct by Dr. Morlen constitute race and gender-based wage discrimination, among other unlawful employment practices, in violations of the Equal Pay Act, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the American Disabilities Act of 1990 and retaliation under the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the “NO FEAR Act”) which forbids retaliation against employees from any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment for disclosing ongoing violations such as improprieties with the dental section’s patient scheduling process. Dr. Jordan has suffered compensatory and punitive damages in the

form of emotional distress, mental anguish, pain and suffering, and economic damages for her and liquidated damages for her equal pay claim.

III. Exhaustion of Federal Remedies

Dr. Jordan file a charge with the EEOC office at the Michael E. DeBakey VA Medical Center, 2002 Holcombe Blvd., Houston, Texas 77030 in December 2015. However, because she is a federal employee her claims involve gender-based pay discrimination so she is entitled to skip the administrative complaint process and file this action under the Equal Pay Act.

IV. Relief

Wherefore, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages and costs, as follows:

- (a) A retroactive promotion for Plaintiff with all attendant back pay, benefits and other emoluments of employment.
- (b) Defendant Ricky Morlen be enjoined from harassing Plaintiff.
- (c) the sum of \$300,000.00 in compensatory damages suffered because of discrimination and retaliation.
- (d) Plaintiff is awarded punitive damages to punish the Defendants for committing malicious and reckless act of discrimination.
- (e) Plaintiff is awarded liquidated damages under the Equal Pay Act in an amount equal to the amount back pay she receives.

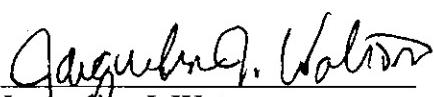
- (f) Costs and fees involved in litigating this case.
- (g) As additional relief to make Plaintiff whole, Plaintiff seeks \$500,000.00 and such other relief as may be appropriate, including attorney's fees, if applicable.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise conforms with the requirements of Rule 11.

Signed this 21 day of December, 2016.

Signature of Attorney:



Printed Name of Attorney:

Jacqueline J. Watson

Texas Bar Number

00792972

Name of Law Firm:

Jacqueline J. Watson, Attorney At Law

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